



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

upon the trustee's legal estate would cease. *NEW YORK PERSONAL PROPERTY LAW* (GEN. LAWS, ch. 47; LAWS OF 1897, ch. 417). This provision, however, was omitted from subsequent legislation, as was logically necessary, for if New York is to support its spendthrift trust doctrine, it should not maintain a legislative loophole, especially since such a policy might give remainders an inflated value.

BOOK REVIEWS

PATHOLOGICAL LYING, ACCUSATION, AND SWINDLING. By William Healy and Mary Tenney Healy. Boston: Little, Brown, and Company. 1915. Criminal Science Monograph No. 1, Supplement to the Journal of Criminal Law and Criminology. pp. ix, 286.

At the present time there is a healthful tendency in the community to try to understand some of the phenomena which heretofore have been considered only by the penologists. It is high time that a scientific attempt be made to explain delinquencies. Criminology, after all, is not an exclusively "legal" subject. In many of its aspects it is a borderland, or rather a land of concurrent sovereignty, which concerns the judges, lawyers, social workers, administrators, as well as physicians, psychiatrists, and criminal anthropologists.

This volume is the first of a series of monographs authorized by the American Institute of Criminal Law and Criminology and published as supplements to the Journal of Criminal Law and Criminology. As stated in the editorial announcement, this series is to include researches in various departments of knowledge upon which criminology draws, such as psychology, anthropology, neurology, education, sociology, and law, and it is anticipated that the series will stimulate the study of problems of delinquency.

The object of the authors appears, from the Preface as well as from the contents of the book, to be to classify the offenders according to typical characteristics. The material presented consists of case studies made by the Juvenile Psychopathic Institute of Chicago, of which Dr. William Healy is the Director. The book is divided into six chapters. The first is an introductory one, giving definitions and delimiting the problem; the second considers the literature on the subject, which is scanty; the third discusses twelve case studies of pathological lying and swindling; the fourth contains nine case studies of pathological accusation; in the fifth, six case studies are detailed as borderline mental types. The final chapter sums up the study.

The subject of pathological lying and swindling has only recently been considered as a psychiatric problem. The contribution to the subject, in this volume, consists largely in adding to the casuistic literature on the special topic without offering much in the way of explanation of the etiology or the pathology of this condition, or, in consequence, any very definite points for guidance in treatment. Dr. Healy is well known as a believer in intensive case study, paying great attention to all externals of personality.

The definition of pathological lying given in the introductory chapter is as follows: "Pathological lying is falsification entirely disproportionate to any discernible end in view, engaged in by a person who, at the time of observation, cannot definitely be declared insane, feeble-minded, or epileptic." This is, in a few words, the underlying idea of the entire volume. According to this, "the pathological liar forms a species by himself, and as such does not necessarily belong to any of the larger classes of epilepsy, insanity, or mental defect." Pathological accusation is similarly defined as a false accusation indulged in apart from any obvious purpose.

The authors, realizing that pathological lying is a type of delinquency, and "following the rule that for explanation of conduct tendencies one must go to the youthful beginnings," have attempted to gain the fullest possible information about developmental and family history, early environment, and early emotional experiences. It is unfortunate that the authors have refrained from publishing the mental tests and other exact details. Just that massing of detail is what is wanted. Largely through this lack the accounts of the cases are literary rather than scientific. The information obtained, with few exceptions, such as the results of the Aussage test and the summary of the results of the mental tests, are such as could be obtained by any social worker.

A characteristic statement of the authors, which will give an idea of their attitude toward this work, is the following, from page 13 of the introductory chapter: "We confess to no particular pleasure in writing up this rather sordid material; the task is undertaken because such studies offer the only way to gain that better understanding which is necessary for adequate treatment of special types of human beings." It might seem strange to those who regard delinquency and mental disease with objective equanimity that it is necessary to characterize the material as "sordid," and that after the great amount of time devoted to these cases, and after careful study, there should not have been any particular pleasure in writing up the results. Perhaps the reason for this is that, after all, the book contains merely a summary of work done without any new point of view or new information.

As a contribution to the casuistic literature the volume will prove of value in that a series of cases are carefully recorded in regard to their social histories, their environmental difficulties, their heredity, and in regard to the impression they made on so experienced and keen an observer as Dr. Healy.

It is a question whether one is justified at present in drawing the sharp line that the authors do between the pathological liar and swindler and more pronounced forms of disease such as epilepsy, insanity, and mental defect. In the chapter on borderline mental types the authors state that they keep these cases separate in order to emphasize that pathological lying by an insane person does not make a pathological liar in the true sense. "We should hesitate, therefore," they go on to say, "to give in legal form a verdict of insanity in several of these borderline cases we cite. They are very difficult to classify, and the question of responsibility called for sometimes in court work is unanswerable."

Pathological lying and swindling is considered in itself a borderline condition somewhere between normality and mental disease. A well-known experience with such conditions is that it is not always possible to evaluate the significance of individual traits unless, as in the case of disease, the symptoms become exaggerated and the clinical picture becomes clear.

In the analysis of the cases made by the authors, one finds emphasis laid upon habit formation, lack of parental correction, early experience with lying, mental conflict, early sex experiences and habits, and home conditions. As an inventorial method, this may have value. From a point of view, however, of diagnostics, it is difficult to correlate the facts of this group with the precision that is demanded of the physician, so as to base very definitely upon them prognosis and treatment. The authors are naturally very modest in dealing with the latter points.

Altogether the book is disappointing to those who realize the importance of the subject and who had hoped for more definite help from the authors. The methods employed are, with the exception of the mental tests, but an elaboration of the methods that have been used by the laity since early times. One misses the careful laboratory tests for the will, which have been carried out in similar cases by Kraepelin.¹

¹ 4 KRAEPELIN, *PSYCHIATRIE*, 8 ed., 2067.

The insistence of the authors that pathological lying and swindling forms a group quite distinct from psychotic and epileptic conditions does not help our advance. On the contrary, the only hope for ultimate progress in this field of research lies in the possibility of correlating the phenomena here observed with those recognized elsewhere. It is important to apply the point of view of the pathologist in dealing with these subjects, that is to say, the significance of mild disturbances may become clear and reasonable in the light of knowledge obtained in the study of severe variations from the normal. Nearly all that we know about physiology of the human body has been obtained in studying exaggerated conditions produced either spontaneously or experimentally. In the field of psychiatry the experimental method has so far been inapplicable. The methods of the psychologists have been applied as far as possible. These methods, however, are largely introspective. In psychiatric research we are therefore dependent upon such experiments as nature provides spontaneously. It is left to our ingenuity to find the correlations.

We are probably still far from this desired end. In the meanwhile, those who are wise will refrain from superficial judgments and will endeavor to explain delinquency in its various forms as a manifestation of the same fundamental causes that operate in other and better recognized pathological conditions.

HERMAN M. ADLER.

THE PRINCIPLES OF MUHAMMADAN JURISPRUDENCE according to the Hanafi, Malavi, Shafi'i and Hanbali Schools. By Abdur Rahim, M.A., Judge of the High Court of Judicature at Madras. London: Luzar & Co. 1911. pp. xvii, 443.

PRINCIPLES OF MUHAMMADAN LAW. An essay at a Complete Statement of the Personal Law Applicable to Muslims in British India. By Faiz Baruddin Tyabji, M.A., Officiating Judge, High Court, Madras. Bombay: D. B. Taraporevala Sons. 1913. pp. xxxvii, 711.

HINDU LAW, A Treatise. By P. R. Ganapathi Iyer, B.A., B.L., High Court Vakil, Madras. Vol. I. General Principles and Marriage. Madras: Thompson & Co. 1915. pp. xlviii, 718.

These books on the personal law of Mohammedans and Hindus, as administered in British India, have, one need not say, no interest for the practising lawyer in this part of the world. But they contain much that cannot but be of significance to the student of the science of law who would keep abreast of the march of that science in the world of to-day.

The work of Mr. Justice Abdur Rahim is of special interest as indicating what might be called a humanist movement in Anglo-Mohammedan law. He points out that the book of chief authority upon Mohammedan law has been studied in India, not from the original Arabic writings, but from an English version in which it was frequently impossible for the translator to find words to convey the exact legal significance of technical Arabic expressions. Moreover the author of the *Hedaya* assumed that the reader was familiar with the principles of Mohammedan legal science and with the Koran and the Hadith. Thus, we are told, and it is quite credible, the translator's way of stating the arguments of the classical Mohammedan jurists "has at times led to the misapplication of their *dicta*." One is reminded at once of the situation in the modern Roman law when the Humanists in the sixteenth century and the Historical School in the nineteenth century set up the cry of "back to the texts," which had been overlaid by the gloss or pushed aside by the *usus modernus*. In the same spirit Mr. Justice Abdur Rahim takes us to the classical texts.

Nor is this mere pedantry or mere worship of the past in the one case more